

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 20, 2004. Through this response, claims 13 and 14 are added and claims 1 and 11 are amended. Reconsideration and allowance of the application and pending claims 1-14 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-12 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Paskiewicz*. ("*Paskiewicz*," U.S. Pat. No. 6,467,746). Applicants respectfully traverse this rejection.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Paskiewicz* reference. As recited in independent claim 1, Applicants claim (with emphasis added):

1. An apparatus, comprising:
a frame;

a swivel mechanism, said swivel mechanism including ***a foot having a foot pad of a defined frictional coefficient in contact with a support surface***, the foot pad configured with a material that enables rotation of the frame and impedes translational movement of the foot; and

secondary feet connected to the frame and disposed in locations surrounding the swivel mechanism, ***said secondary feet each having a pad of a lower frictional coefficient than the foot pad***, wherein said secondary feet pads are configured with a material that enables rotation of the frame when supporting a device on the frame.

Applicants respectfully submit that *Paskiewicz* fails to disclose all of the emphasized features. For instance, *Paskiewicz* discloses a bearing plate (221) that the Office Action equates to a “foot.” However, nothing in *Paskiewicz* indicates that the bearing plate includes “*a foot pad* of a defined frictional coefficient in contact with a support surface, the foot pad configured with a material that enables rotation of the frame and impedes translational movement of the foot,” as recited in independent claim 1. Further, *Paskiewicz* discloses casters (230) that the Office Action equates to “secondary feet.” However, the casters disclosed in *Paskiewicz* do not include *pads*, as doing so would render the device of *Paskiewicz* inoperable. Since *Paskiewicz* does not disclose the emphasized features of independent claim 1, Applicants respectfully request that the rejection to independent claim 1 be withdrawn.

Because independent claim 1 is allowable over *Paskiewicz*, dependent claims 2-14 are allowable as a matter of law for at least the reason that the dependent claims 2-14 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

II. New Claims

As identified above, claims 13-14 have been added into the application through this Response. It is respectfully asserted that no new matter has been added. Applicants respectfully submit that these new claims describe an invention novel and unobvious in view of the references of record and, therefore, respectfully request that these claims be held to be allowable.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Rodack', is written over a horizontal line.

David Rodack
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